

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM-M-30079-2020

Date of decision:08.01.2021

Kalu

...Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Ms. Raffi Birla, Advocate for the petitioner.

Mr. Luvinder Sofat, AAG, Punjab.

HARNARESH SINGH GILL, J. (ORAL)

Case is taken up for hearing through video conferencing.

Custody certificate by way of an affidavit dated 07.01.2021 of

Deputy Superintendent, Central Jail, Bathinda, filed through email, is taken on record.

Through this petition under Section 439 Cr.P.C., the petitioner seeks regular bail in case bearing FIR No.74 dated 15.07.2020 registered at Police Station Ghall Khurd, District Ferozepur, under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985.

Learned counsel for the petitioner states that the alleged recovery effected from the applicant-petitioner is of 320 intoxicant tablets, which is a non-commercial quantity. However, it is submitted that the prosecution agency has wrongly considered the contraband to be commercial by taking the recovery from both the accused together. The petitioner has been in custody since 15.07.2020 and there is no other case pending or registered against him.

Learned State counsel on the instructions of SI Judgepal Singh does not dispute the aforesaid factual position. However, he states that the case is fixed for prosecution evidence.

I have heard the learned counsel for the parties.

The petitioner has been in custody since 15.07.2020. Trial of the case would take time to conclude. Therefore, no useful purpose would be served by keeping the petitioner behind the bars.

In view of the above, without commenting anything on the merits, lest it should prejudice the case of either side, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail and surety bonds to the satisfaction of the learned trial Court/Duty Magistrate.

08.01.2021
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(HARNARESH SINGH GILL)
JUDGE

Whether reasoned/speaking?	Yes/No
Whether reportable?	Yes/No